

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 20-10121-RGS

LORA LUPINE

v.

CPA CORPORATION

ORDER

February 5, 2020

STEARNS, D.J.

Plaintiff Lora Lupine's document entitled "Affidavit" (Dkt No. 4) is construed as a motion to proceed in forma pauperis and for appointment of pro bono counsel. The motion is hereby DENIED without prejudice as it is not signed by Lupine, but rather filed by Margaret Powell, who is not a party to this action. It is FURTHER ORDERED that to the extent Lupine intends to proceed she must by February 27, 2020 either: (a) pay the \$400 filing and administrative fee, or (b) file a motion to proceed in forma pauperis. The Clerk is directed to provide an AO Form 240 for Lupine's use.

Lupine's motion for an injunction (Dkt. No. 2) is hereby DENIED without prejudice because she failed to support the request with "a memorandum of reasons, including citation of supporting authorities, why the motion should be granted." D. Mass. Local Rule 7.1(b)(1). Lupine also

failed to include “[a]ffidavits and other documents setting forth or evidencing facts on which the motion is based.”

Lastly, “[i]t is black-letter law that a federal court has an obligation to inquire *sua sponte* into its own subject matter jurisdiction.” *McCulloch v. Velez*, 364 F.3d 1, 5 (1st Cir. 2004); *see also* Fed. R. Civ. P. 12(h)(3) (“If the court determines at any time that it lacks subject matter jurisdiction, the court must dismiss the action.”). Pursuant to Rule 8 of the Federal Rules of Civil Procedure, Lupine is required to make “a short and plain statement of the grounds for the court’s jurisdiction.” Lupine has not identified a federal claim, nor has she set forth a basis for diversity jurisdiction under 28 U.S.C. §1332. Accordingly, the court will permit Lupine to file, no later than February 27, 2020 a memorandum with the court showing cause why this action should not be dismissed for lack of subject matter jurisdiction. Failure to comply with this Order will result in dismissal of this action.

SO ORDERED.

RICHARD G. STEARNS
UNITED STATES DISTRICT JUDGE